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DATE: April 17, 2007

FILE NO: AVAN/000424

TO: Examiner Erin Thomson

FAX NO: 571-273-0459

COMPANY: USPTO

FROM: Walter C. Grollitsch

PAGE(S) with cover: 11

ORIGINAL TO FOLLOW? ☐ YES ☒ NO

PETITION TO CORRECT FILING DATE ON FILING RECEIPT

TITLE:	**SEMICONDUCTOR OPTICAL AMPLIFIER WITH LATERAL AND DISTRIBUTED GAIN STABILISATION**
U.S. SERIAL NO.:	**10/530,690**
FILING DATE:	**APRIL 8, 2005**
INVENTOR:	**Dagens, et al.**
EXAMINER:	**Ari M. Diacou**
GROUP ART UNIT:	**2817**
CONFIRMATION NO.:	**7126**

Per our conversation on April 17, 2007, please find attached the Petition. If you have any questions, please contact me at your convenience.

Thanks.

CONFIDENTIALITY NOTE

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PATENT

Atty. Dkt. No. AVAN/000424

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Dagens, et al.

Serial No.: 10/530,690

Filed: April 8, 2005

Confirmation No.: 7126

For: SEMICONDUCTOR OPTICAL AMPLIFIER WITH LATERAL AND DISTRIBUTED GAIN STABILISATION

§

Group Art Unit: 2817

Examiner: Ari M. Diacou

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on 17 April, 2007.

Signature

Walter C. Grollitsch
Typed or Printed Name

48,678
Registration No., If applicable

(713) 623-4844
Telephone Number

Office of Initial Patent Examination's
Filing Receipt Corrections
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PETITION TO CORRECT FILING DATE ON FILING RECEIPT

In reference to a phone conversation with Examiner Thomson on April 17, 2007, Applicants are filing this petition. As previously set forth, the above-identified application has been accorded an incorrect filing date. The Filing Date is indicated as April 9, 2005, as incorrectly indicated on the Express Mail Mailing Label receipt. The correct filing date is April 8, 2005, as indicated by Applicants on the return-receipt postcard, the United States Postal Service cashier receipt, United States Postal Service Track & Confirm report, and the Express Mail Corporate Account Mailing Statement.

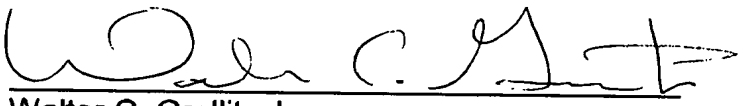
In accordance with 37 C.F.R. Section 1.10, attached is a true copy of the following documents;

1. Return-receipt postcard;
2. Express Mail Cashier Receipt;
3. Express Mail Label;
4. United States Postal Service Track & Confirm Report; and
5. Express Mail Corporate Account Statement.

Although Applicants believe the incorrect filing date is the fault of the U.S. Patent and Trademark Office and that no fee should be charged for correction, the Commissioner is authorized to charge counsel's Deposit Account No. 20-0782/AVAN/000424/WCG, the petition fee of $130.00 for this petition.

Applicants request that the Office correct this error or notify Applicants of the reason for denying the request.

Respectfully submitted,



Walter C. Grollitsch
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Attorney for Applicant(s)

JC03 Rec'd PCT/PTO 08 APR 2005

DOCKET No.: AVAN/080 PCT/US

SERIAL No.: UNKnown

FILED: April 8, 2005

APPLICANT: Avanex Corp.

INVENTOR: Beatrice Odgers, et al.

The Patent & Trademark Office acknowledges and has stamped hereon the date of receipt of the items checked below which were mailed 4/8/05

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/530,690	~~04/09/2005~~ 04/08/2005	2817	900	AVAN/000424US	4	14	1

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CONFIRMATION NO. 7126

FILING RECEIPT

OC000000016662478

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Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Beatrice Dagens, Antony, FRANCE;
Romain Brenot, Paris, FRANCE;
Guang-Hua Duan, Chatenay Malabry, FRANCE;
Thierry Hessler, Renens, FRANCE;

Power of Attorney: The patent practitioners associated with Customer Number **47389**.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/IB03/05041 10/10/2003

Foreign Applications

FRANCE 0212825 10/15/2002

Projected Publication Date: 11/10/2005

Non-Publication Request: No

Early Publication Request: No

Title

Semiconductor optical amplifier with lateral and distributed gain stabilisation

Preliminary Class

330

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Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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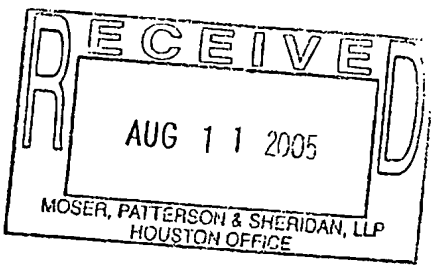
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